

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL M. MILESKE

Appeal No. 96-1666
Application 08/130,941¹

ON BRIEF

Before KRASS, BARRETT and CARMICHAEL, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of Claims 1-5, 9-16, and 20-23, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

An antenna for deployment on a surface, comprising:

¹ Application for patent filed October 4, 1993.

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a coaxial feedline having a center conductor and a shield at ground potential, said coaxial feedline terminating at one end thereof at a feedpoint;

a continuous length of antenna wire having first and second ends, said continuous length being electrically connected at said first end to said center conductor at said feedpoint;

a first portion of said continuous length formed from concentric cylindrical coils of said antenna wire adjacent said first end, each of said concentric cylindrical coils defined by a plurality of adjacent turns of said antenna wire; and

a second portion of said continuous length comprising an antenna radiator extending from an innermost one of said concentric cylindrical coils to said second end along a substantially straight line on the surface, wherein said first portion has an electrical inductance that can change approximately linearly when said second portion is paid out from said innermost one of said concentric cylindrical coils.

The examiner's Answer cites the following prior art:

Icenbice 1966	3,273,153	Sep. 13,
Hochstein 1978	4,117,495	Sep. 26,
Huntsman et al. 1988 (Huntsman)	4,743,917	May 10,
Pizon 1992	5,089,827	Feb. 18,
Rammos et al. 1993 (Rammos)	5,223,848	Jun. 29,
Taniyoshi 1986 (Japanese Patent)	61-251209	Nov. 8,

OPINION

The claims stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Claims 1, 2, 9, 10, and 11 stand rejected under 35 U.S.C. § 103 as unpatentable over Japanese Patent '209 in view of Hochstein and Icenbice. The remaining claims stand rejected under 35 U.S.C. § 103 as unpatentable over Japanese Patent '209 in view of Hochstein and Icenbice as applied above, further in view of various combinations of Rammos, Hunstman, and Pizon.

Indefiniteness

The examiner contends that the claim phrase "serving as a variable tuning inductor" renders the claims indefinite because no specific structure is recited. The examiner's objection addresses the breadth, not indefiniteness, of the claims. Therefore, we will not sustain the rejection.

Obviousness

The examiner's obviousness rejections require interpreting the recited "concentric cylindrical coils" as satisfied by a series of co-axial same-sized loops. For

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example, the examiner contends that the phrase is satisfied by structure 104-2 shown in Figure 1 of Japanese Patent '209.

Claims undergoing examination are given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. ***In re Etter***, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985) (in banc).

The examiner offers creative support for the proposed interpretation. However, the interpretation is, ultimately, unreasonable. It ignores the claim language that further defines each coil as having "a plurality of adjacent turns," and is inconsistent with the specification and drawings. Figure 2 shows what is meant by "concentric cylindrical coils," and the prior art as a whole fails to suggest such an arrangement in a variable tuning inductor. Therefore, the obviousness rejections will not be sustained.

CONCLUSION

The rejections are not sustained.

REVERSED

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ERROL A. KRASS
Administrative Patent Judge

LEE E. BARRETT
Administrative Patent Judge

JAMES T. CARMICHAEL
Administrative Patent Judge

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